

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

PHILIP FLOYD,	§	
Plaintiff	§	
vs.	§	
	§	
ANDREA K. BOURESSA, <i>In her official</i>	§	
<i>capacity as a State of Texas District Court</i>	§	CIVIL ACTION NO. 4:24-CV-00681
<i>Judge for Collin County, Texas, RYAN</i>	§	
HACKNEY, PATRICK YARBOROUGH,	§	
ELIAS DRAGON, MMWKM ADVISORS,	§	
LLC, SETH KRETZER AND JIM SKINNER,	§	
<i>In his official capacity as Sheriff of Collin</i>	§	
<i>County, Texas, Defendants.</i>	§	

PLAINTIFF'S MOTION FOR SUBSTITUTE SERVICE
PATRICK YARBOROUGH

Plaintiff, PHILIP FLOYD, asks the court to authorize substitute service pursuant to Federal Rules of Civil Procedure, Rule 4 as to Patrick Yarborough ("Defendant") and would show unto the Court as follows.

1. Defendant's employment address is 917 Franklin St., Suit 220, Houston, TX 77002.
2. Plaintiff has attempted but failed to personally serve Patrick Yarborough ("Defendant") at his place of employment on three or more separate occasions. These service attempts and the facts appurtenant thereto are set forth in Exhibit 1 which is attached hereto and is incorporated herein by reference for all purposes.

It further appears to the Court that the manner of service ordered herein will be reasonably effective to give said defendant notice of the lawsuit.

3. Plaintiff asks the court to authorize to Plaintiff to serve Defendant by any one of the following methods:
 - A. By Delivering a true copy of the SUMMONS with Citation and Order authorizing substituted service attached, with anyone more than sixteen (16) years of age at 917 Franklin St., Suite 220, Houston, TX 77002, OR,
 - B. By Attaching a true copy of the SUMMONS with Citation and Order authorizing substitute service, securely to the front door or entry way at 917 Franklin St., Suite 220, Houston, TX 77002, and if the property is

PLAINTIFF'S MOTION FOR SUBSTITUTE SERVICE - PATRICK YARBOROUGH

locked, by attaching securely to the front door at 917 Franklin St.,
Houston, TX 77002.

4. Plaintiff asserts to the Court that the manner of service ordered herein will be reasonably effective to give said Defendant notice of the lawsuit.
5. Plaintiff attaches the Proof of Service of Plaintiff's process server to this motion to establish facts not apparent from the record and incorporates same by reference.

WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that the motion for substitute service be Granted.

Respectfully Submitted,

/s/ Douglas T. Floyd
DOUGLAS T. FLOYD
Attorney for Plaintiff
6521 Preston Rd., Suite 100
Plano, Texas 75024
214-704-7081
877-846-3149 Fax
SBN: 07181700
Lawyerfloyd@aol.com

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PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for **Patrick Yarborough**
was recieved by me on **7/30/2024**:

- ☐ I personally served the summons on the individual at *(place)* on *(date)* ; or
- ☐ I left the summons at the individual's residence or usual place of abode with *(name)* , a person of suitable age and discretion who resides there, on , and mailed a copy to the individual's last known address; or
- ☐ I served the summons on *(name of individual)* , who is designated by law to accept service of process on behalf of *(name of organization)*; or
- ☒ I returned the summons unexecuted because ; or
- ☐ Other *(specify)*

My fees are \$ 0 for travel and **\$ 109.29** for services, for a total of **\$ 109.29**.

I declare under penalty of perjury that this information is true.

Date: 08/03/2024



Server's signature

Eric M Jimenez

Printed name and title

**319 Aurora St
Houston, TX 77008**

Server's address

Additional information regarding attempted service, etc:

7/30/2024 1:35 PM: I spoke with an individual who identified themselves as the law partner and they stated subject employed but not available at this time. Per the subjects law partner Ben Foster the subject is not in the office at this time. I left my contact information and the case number with Ben.

7/31/2024 8:53 AM: I was unable to access the address due to business closed although I waited. The office is opne but no one is responding

8/1/2024 6:17 PM: I was unable to access the address due to secured building although I waited.

8/2/2024 2:07 PM: I spoke with an individual who identified themselves as the did not identify and they stated subject employed but not available at this time. Per a Caucasian Male in his fifties the subject is not in office

8/3/2024 11:35 AM: I was unable to access the address due to secured building.



Tracking #: 0139524979



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